

## VARIANCE APPLICATION

OFFICE  
USE ONLY

DOCKET #: 1507-VS-10

FILING DATE: \_\_\_\_\_

FILING FEE: \$ \_\_\_\_\_ FEE PLUS \$ \_\_\_\_\_ PER ADDITIONAL VARIANCE (@ \_\_\_\_\_) = \$ \_\_\_\_\_

### PRE-FILING CONFERENCE

PRE-FILING CONFERENCE WITH: KEVIN TODD (STAFF NAME) DATE: 06/17/15

### PRIOR OR RELATED DOCKET NUMBERS

CHANGE OF ZONING: \_\_\_\_\_ AMENDMENTS: \_\_\_\_\_ DEVELOPMENT PLAN: \_\_\_\_\_

PRIMARY PLAT: \_\_\_\_\_ SECONDARY PLAT: \_\_\_\_\_ VARIANCE(S): \_\_\_\_\_

### APPLICANT INFORMATION

APPLICANT'S NAME: James & Donna Curry TELEPHONE: 317-733-4145

ADDRESS: 15550 Little Eagle Creek Ave. EMAIL: d.j.curry@comcast.net

PROPERTY OWNER'S NAME: James & Donna Curry TELEPHONE: 317-733-4145

ADDRESS: 15550 Little Eagle Creek Ave. EMAIL: d.j.curry@comcast.net

REPRESENTATIVE'S NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

COMPANY: \_\_\_\_\_ EMAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

### PROPERTY AND PROJECT INFORMATION

ADDRESS OR PROPERTY LOCATION: 15554 Little Eagle Creek Ave.

COUNTY PARCEL ID #(S): 08-09-07-00-00-020.000

EXISTING ZONING DISTRICT(S): \_\_\_\_\_ EXISTING LAND USE(S): \_\_\_\_\_

### VARIANCE REQUEST

☐ VARIANCE OF LAND USE CODE CITATION: \_\_\_\_\_

☒ VARIANCE OF DEVELOPMENT STANDARD(S) CODE CITATION: \_\_\_\_\_

FINDINGS OF FACT: (PLEASE SEE ATTACHED)

STATEMENT OF INTENT (EXPLANATION OF REQUEST - ATTACH SEPARATE SHEET IF NECESSARY): \_\_\_\_\_

We would like to build our retirement home on this lot in the same location where a home previously existed. We have owned this lot for about 10 years and have worked to transform it from an area full of weeds and trash into beautiful gardens of flowers and bushes. Because there had been a home on this lot before we bought it, we thought we would be able to build on it when we were ready to retire, but have found there are a few requirements to meet before this is possible. The lot is unique in that it exists between Little Eagle Creek and Little Eagle Creek Ave., causing it to be a long and narrow lot. A good deal of the lot is in flood plain which allows only a narrow strip of land for building. Because of this we will need a setback variance and a variance for lot size.

## FINDINGS OF FACT (VARIANCE OF DEVELOPMENT STANDARD)

APPLICANT: \_\_\_\_\_

DOCKET #: \_\_\_\_\_

In taking action on a variance request, the Board of Zoning Appeals uses the following decision criteria to approve or deny a variance, as established by Indiana Code, and the Board may impose reasonable conditions as part of its approval. The applicant must address the criteria below (if multiple variances of development standard are being requested, then this sheet should be completed separately for each requested variance). A variance of land use may be approved by the Board of Zoning Appeals only upon a determination that the Board finds all of the following to be true:

A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community because: \_\_\_\_\_

Since there was a previous residence in this location, no additional drive cut will be required.

The flood plain dictates where the building needs to be located.

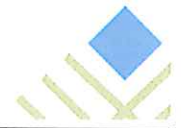
B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because: \_\_\_\_\_

This location is already a rural residential area with homes similar to what we would like to build. Building our home on our vacant lot will allow us to maintain it more easily which would enhance the area surrounding us.

C. The strict application of the terms of the Ordinance will result in practical difficulties in the use of the property because: \_\_\_\_\_

The lot size cannot be increased to meet the minimum lot size requirements.

Because the property is located partially in a flood plain the proposed residence will not be able to be located within the current setback requirements.




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**APPLICANT AFFIDAVIT**


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IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that above information is true and correct as he/she is informed and believes and that Applicant owns or controls the property involved in this application.

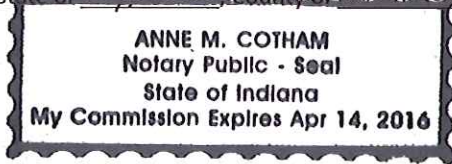
James R. Curry  
Applicant/Representative (signature)

James R. Curry  
Applicant/Representative (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the above party, who having been duly sworn acknowledged the execution of the foregoing Application.

Witness my hand and Notarial Seal this 17 day of June, 2015.

State of IN, County of Hamilton, SS:



Anne M. Cotham  
Notary Public Signature  
Anne M. Cotham  
Notary Public (printed)

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**PROPERTY OWNER AFFIDAVIT**


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IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says they are the owners of the property involved in this application and that they hereby acknowledge and consent to the foregoing Application.

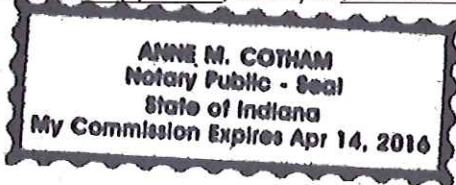
James R. Curry  
Property Owner (signature)\*

James R. Curry  
Property Owner (printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner, who having been duly sworn acknowledged and consents to the execution of the foregoing Application.

Witness my hand and Notarial Seal this 17 day of June, 2015.

State of IN, County of Hamilton, SS:




Anne M. Cotham  
Notary Public Signature  
Anne M. Cotham  
Notary Public (printed)

\*A signature from each party having interest in the property involved in this application is required. If the Property Owner's signature cannot be obtained on the application, then a notarized statement by each Property Owner acknowledging and consenting to the filing of this application is required with the application.

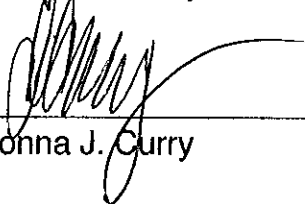
## Affidavit of Notice of Public Hearing

This document is to verify that the attached public notice was mailed to all property owners listed in the Adjoiner received from the Hamilton County Auditor, by certified mail on July 1, 2015. Also, the public notice sign has been posted on the property at 15554 Little Eagle Creek Ave. since July 4, 2015.

IN WITNESS WHEREOF, the undersigned, having duly sworn, upon oath says that the above information is true and correct.

  
James R. Curry

James R. Curry  
(printed)

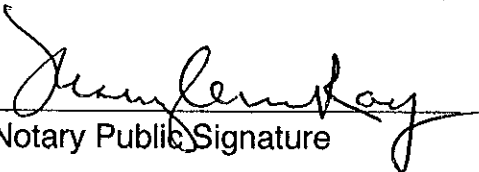
  
Donna J. Curry

Donna J. Curry  
(printed)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared the Property Owner.

Witness my hand and Notarial Seal this 8<sup>th</sup> day of July, 2015.

State of Indiana, County of Hamilton, SS:

  
Notary Public Signature

Mary Ann Ray  
Notary Public (printed)

My Commission Expires  
5-12-2019

**Westfield-Washington Township  
Board of Zoning Appeals Public Notice**

NOTICE IS HEREBY GIVEN THAT the Westfield-Washington Township Advisory Board of Zoning Appeals will hold a public hearing on Tuesday, July 14, 2015, at 7:00 p.m. at Westfield City Hall, 130 Penn Street, Westfield, Indiana, to consider petition 1507-VS-10, filed by James and Donna Curry. The request pertains to real estate comprising approximately .5 acres and generally located at 15554 Little Eagle Creek Ave., Washington Township, Westfield, Indiana.

The request is for approval of a Variance of Development Standard to allow construction of a new home.

Specific details regarding this request, including the application, file, and property legal description, may be obtained from the Westfield Economic and Community Development Department, or by calling (317) 804-3170.

Written suggestions or objections relative to the request may be filed with the Westfield Economic and Community Development Department, at or before the public hearing. Interested persons desiring to present their views upon the request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place, which may be continued from time to time as may be found necessary.

**APPLICANT:**

James and Donna Curry  
15550 Little Eagle Creek Ave.  
(317)733-4145

**CITY OF WESTFIELD:**

Economic and Community Development Department  
2728 East 171st Street  
Westfield, Indiana 46074  
Telephone (317) 804-3170  
[www.westfield.in.us](http://www.westfield.in.us)